

REMARKS

Claims 38-41, 43-47, and 49, remain in the application with claims 38 and 44 having been amended hereby and claims 42 and 48 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 103, as being unpatentable over Ginter et al.

Ginter et al. relates to a system for secure transaction management using a virtual distribution environment. Ginter et al. teaches the provision of various nodes with encryption and decryption processes. Thus, the secure processing unit (SPU) of Ginter et al. is provided to each communication node for providing encryption and decryption processes.

It is respectfully submitted that Ginter et al. does not teach the feature of the present inventions relating to the use of the content key and use condition, that is, the license.

In the present invention, on the other hand, the system permits the transmission of a request from a user for the desired content and the subsequent receiving and storing of that encrypted desired content. Thereafter, at such a time when the user wishes to listen to the desired content the user transmits a request for a content key and a use condition. Once the content key and use condition are received, the user may reproduce the desired content over the portable reproduction apparatus.

In that regard, it is respectfully submitted that even though Ginter et al. mentions a portable device at various locations in the specification what Ginter et al. is describing

as a portable device is really a smart card having a bus that is intended to be plugged into a host computer. Note Fig. 71 does not include anything that could reproduce the content as part of the portable device 2602.

The claims have been amended hereby to emphasize the above-notice feature that the user obtains encrypted content in advance and subsequently obtains the content key for the encrypted content and also the license giving permission to play back the encrypted content at anytime the user desires.

Ginter et al. does not disclose or suggest this feature, since Ginter provides only the encryption and decryption for each node.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a system for transmitting content to a portable reproduction apparatus, as taught by present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or such, since the basic invention is now simply recited in more definite terms.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP



Jay H. Maioli  
Reg. No. 27, 213

JHM/pmc